

**advocates  
for justice**  
chartered attorneys

225 Broadway, Suite 1902  
New York, New York 10007

t. (212) 285-1400  
f. (212) 285-1410

[www.afjlaw.com](http://www.afjlaw.com)

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June 10, 2020

By ECF

Hon. Analisa Torres  
United States District Judge  
United States District Court  
500 Pearl Street  
New York, NY 10007

Re: Schwartz v. City of New York  
19 Civ. 5204 (AT)  
Motion to Adjourn Conference/Modify Schedule

Dear Judge Torres:

This Court has set a status conference for June 24, 2020 at 10:30 a.m.

I am Co-General Counsel to the Transport Workers Union, and on June 24, 2020, at 9:30 a.m., the union and the MTA will resume arbitrations over contractual disputes for the first time in three months. I expect to be handling four to five arbitrations that day.

On June 26, 2020 I begin a much needed 10 day vacation with my family.

Given this situation, we request that the conference be adjourned until the week of July 13, 2020. The City has indicated its consent.

Also, the Court has directed the City to file its pre-motion letter on its proposed Motion for Summary Judgment by June 17, 2020. The City's submission must include its Rule 56.1 Statement of Undisputed Material Fact Not in Issue. Counsel emailed me her Statement today and it is 78 paragraphs long. There were 5 depositions in this litigation, and a significant amount of documentary material, all of which is housed, presently, at my office, which I visit only one time per week to do mail and file pickup, usually on Sunday. Responding to a 78 paragraph, 6-page single spaced Statement is not possible to do under the present work circumstances before June 17. Therefore, in addition to our request that the Conference be adjourned, we request that the Pre-Motion submission date be adjourned to a date 7 days before the reset conference, should the Court grant that application..

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Additionally, we intend to file a Pre-Motion Letter seeking an Order from the Court allowing an interlocutory appeal of the Court's June 3, 2020 Order. This case is primarily about the unpaid Comp Time, and secondarily about the overtime, which encompasses far fewer hours. We will set forth our reasoning, at greater length, by June 17, 2020.

Respectfully submitted,

/s/

Arthur Z. Schwartz

cc: Andrea O'Connor, Esq. by ECF

GRANTED.

The Case Management Conference scheduled for June 24, 2020 is  
ADJOURNED to **July 14, 2020**, at **11:00 a.m.** Defendant's deadline to submit  
a pre-motion letter in support of its anticipated motion for summary judgment  
is EXTENDED to **July 7, 2020**.

SO ORDERED.

Dated: June 11, 2020  
New York, New York



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ANALISA TORRES  
United States District Judge